

BALTIMORE SUN

28 APR 1975

Sea law talks run aground

Draft treaty hopes fade for this year

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Geneva—Negotiators at the 150-nation Law of the Sea Conference in Geneva have given up hope of coming up with a negotiated draft treaty this year and hope instead to convene still another conference next year.

Previously it had been hoped that the current meeting, which ends May 10, would be able to produce at least a tentative draft treaty on such matters as fishing rights, offshore drilling and mining, pollution control and the exploitation of mineral deposits in international waters.

Instead, it has been decided that the chairmen of the three working committees would draft working documents to serve as a basis for negotiations when the conference convenes again at a still undecided time and place.

The failure of the current session to achieve more substantive results is likely to mean that the United States Congress this year will pass legislation that would unilaterally extend U.S. fishing jurisdiction to 200 miles from the coastline, as compared to the current 12 miles.

Several countries already claim a 200-mile fishing jurisdiction. The assertion of a 200-mile jurisdiction by Peru and Ecuador, for example, has been a source of friction with the U.S. because of interference with American tuna boats fishing in the disputed waters.

Now, due to increased activities by Japanese and Russian fishing fleets off the U.S. coast, there has been increasing pressure in Congress for protective legislation.

Senator Claiborne Pell (D., R.I.), who was in Geneva recently as a congressional adviser to the U.S. Law of the Sea delegation, predicted passage this year of the bill sponsored by Senator Warren G. Magnuson (D., Wash.) to declare a 200-mile U.S. fishing zone.

The Magnuson bill provides that it would automatically expire once an international treaty, to which the U.S. is a party, comes into force. But such unilateral legislation has been opposed by the administration, on the grounds that it would undercut the U.S. negotiating position in Geneva.

It is feared, moreover, that the proliferation of national measures in the U.S. and in other countries would harden positions and make it more difficult to arrive at compromises.

In addition to the Magnuson bill, Senator Edmund S. Muskie (D., Maine) has introduced a bill that would extend U.S. pollution controls to 200 miles from the coastline and Senator Lee Metcalf (D., Mont.) has a bill to give the federal government power to regulate deep-seabed mining.

Both are areas in which the United Nations has been trying to find international solutions since 1963. The task, however, has been becoming increasingly difficult due to the growing number of newly independent third world countries and the rapid development of fishing, mining and oil-drilling technology.

The recent revelations concerning the Glomar Explorer, commissioned by the Central Intelligence Agency to salvage a Soviet submarine in deep waters, served as a demonstration of the advanced technology already available.

There is an interest, therefore, among the less developed countries to preserve their rights to the deep seabed, rich in such minerals as manganese, copper, nickel and cobalt.

Countries that have rich land deposits of such minerals also are concerned about the potential competition from the sea. It is estimated, for example, that given the go-ahead, the U.S. firms within five years would be able to fill all the country's needs of nickel and cobalt from deep-seabed mining.

There now appears to be consensus that some international authority should be established for deep-seabed mining, but there is no agreement as to the make-up of the body or its functions.

The U.S. position is that the international authority's function should be to establish a "stable investment climate" for private companies and that there should be measures to guarantee access to deep-seabed minerals to all. The U.S. also proposes a system for sharing some of the revenue from the mining operations with developing countries.

The developing countries, on the other hand, would like an authority, which would conduct deep-seabed mining itself or make contracts with governments or private companies to

operate under the authority's control.

It is not likely, however, that technologically advanced countries would agree to giving an international authority proprietary rights to minerals that now are available to all without restrictions.

The deep-seabed issue promises to be the most difficult area of negotiations. Broad consensus on a number of other issues was reached at the Caracas (Venezuela) conference last year, though the details still must be worked out in the next conference.

For example, there is agreement in principle to establish a 200-mile "economic zone" for all coastal states. Within this zone, each coastal state would have exclusive oil and mineral rights and preferential fishing rights.

Other rights and duties that the coastal states would have within their zones could include pollution control and conservation of fish stocks, though there

probably would have to be international or regional management of migratory species.

The majority of the countries also agree to extending the territorial waters, over which the coast states have full sovereignty, from the traditional 3 miles to 12 miles. There also seems to be agreement now that there should be free passage through straits even if they should fall within the 12-mile limit—a provision that the

Major unresolved issues include scientific research in the economic zone of another country. Some countries propose complete freedom of research, others want consent from the coastal state, and still others propose a compromise between these two extreme positions.

Another knotty question is the settlement of disputes through mandatory procedures. While there is broad agreement on the need for such a machinery, there is no agreement on the details.